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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,557	05/03/2001	Thomas Justus Ferrer	RJENK23.001AUS	6146
20995	7590	12/30/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/848,557	Applicant(s) FERRER ET AL.
	Examiner John M Winter	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address (C)

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 October 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 23-49 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 23,33,43 and 49 is/are rejected.

7)  Claim(s) 24-32, 34-42 and 44-48 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

**DETAILED ACTION****Status**

Claims 23-49 are pending.

Claims 1-22 have been canceled.

***Response to Arguments***

The Applicant's arguments entered on October 1, 2004 have been fully considered. The amended claims are rejected in view of the newly discovered reference to Rosen (US Patent 6,047,067). See following rejection

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23,33,43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau (US Patent No 5,590,196) in view of Shore et al. (US Patent 6,564,193) and further in view of Rosen (US Patent 6,047,067).

As per claim 23,

Moreau ('196) discloses a retail data processing system comprising:

a first retail data processing device for carrying out a retail transaction, and arranged to process retail data and to communicate with other data processing devices in a first data format;(Figure 1)

a first software entity, residing within the first retail data processing device and configured to receive, from the first retail data processing device, retail data relating to a retail transaction with a customer carried out using the first retail data processing device;(Figure 1)

wherein the translation of the data and related information is predicated on a knowledge of characteristics and a mode of operation of the first transaction device.(Figure 1)

Moreau ('196) does not explicitly disclose translate the received retail data into a second data format, different to the first data format, thereby enabling the first retail data processing device to communicate the retail data intelligibly to said one of the second software entity

and the remote server. Shore et al. ('193) discloses translating the received retail data into a second data format, different to the first data format, thereby enabling the first retail data processing device to communicate the retail data intelligibly to said one of the second software entity and the remote server (Column 3, lines 5-8). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Moreau ('196) method with the Shore et al. ('193) method in order to enable the transaction to be processed.

Moreau ('196) does not explicitly disclose whether or not to communicate the retail data to one of a second software entity residing with a second retail data processing device and a remote server; Rosen ('067) discloses whether or not to communicate the retail data to one of a second software entity residing with a second retail data processing device and a remote server (Figure 2 and 6E). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Moreau ('196) method with the Rosen ('067) method in order to enable the transaction to be processed.

Claims 33, 43 and 49 are in parallel with claim 23 and are rejected for at least the same reasons.

#### ***Allowable Subject Matter***

Claims 24-32, 34-42 and 44-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

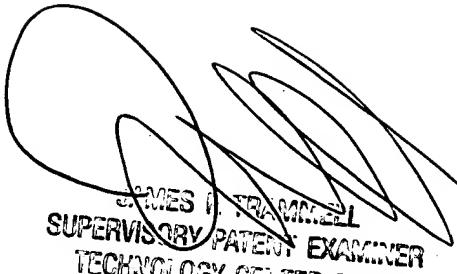
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

December 27, 2004

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JMW



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TECHNOLOGY CENTER 3300